
Posted on Fri, Aug. 22, 2003

She fights on liberty's front lines

By Jack Chang
CONTRA COSTA TIMES

Before Sept. 11, 2001, attorney Banafsheh Akhlaghi split her time teaching constitutional law at JFK University in Walnut Creek and setting up a small law practice in a Berkeley office.

It was a simple, orderly arrangement that she enjoyed.

Then the planes hit, the government cracked down on thousands of Muslims and Middle Easterners, and the now 34-year-old Iranian-born woman's life took an unplanned turn into the heart of one of the biggest civil liberties battles in decades.

A few days after the attacks, Akhlaghi received a call for help from the secretary of a mosque in Folsom whom FBI agents wanted to question. Such calls have since multiplied into an avalanche of cases.

Akhlaghi is arguably the most visible and prolific legal soldier on the front lines defending immigrants, predominantly Muslims and Middle Easterners, from government attempts to investigate and deport them.

"You need to be where you're needed," Akhlaghi said in her modern, airy San Francisco office on a recent morning, while clients waited to talk with her. "Everything else in my life is pretty much on hold."

In her view, government actions such as FBI questioning, requirements that visitors from Muslim countries register with the authorities and attempts to deport thousands of immigrants to those countries on what she said were technical grounds constitute a systematic persecution of an entire people.

She drew comparisons to the internment of thousands of Japanese-Americans during World War II and said that history would remember the current time with the same regret and shame.

"We're writing history here," Akhlaghi said. "I'll be 60 years old, talking about, 'I remember when,' and I want to at least be able to say, 'I didn't stand by and let this happen.'"

Her defiant stand has made her a target of death threats and vandalism -- she has had her tires slashed -- and she said she knows security and anti-terrorism measures are sensitive subjects in this post-Sept. 11 era.

"But there's a way to do this and to do it humanely," she said. "This way is very inhumane."

Her stand has also brought her accolades, with the Bay Guardian weekly newspaper recently naming the Berkeley resident one of this year's local heroes, and Rep. Mike Honda, D-Campbell, visiting her office to hear the stories of her clients.

"She definitely gets more TV and print time than anyone else," said Helal Omeira, Bay Area spokesman for the Council on American Islamic Relations. "She's a good attorney, and she's also very charismatic, which helps."

Government officials argue that they must focus their investigations and registration programs on people from Muslim countries because that is where threats to the United States come from.

"I think people want us to protect their borders," said Sharon Rummery, spokeswoman for the Immigration and

Customs Enforcement agency.

Advocates for reduced immigration also defend the tactics government investigators use.

"It's sound policy that during a time of war, (investigators) start with countries that have supported terrorism," said Steven Camarota of the Center for Immigration Studies. "But the government has to make sure they make it clear immigration enforcement applies to all countries.

"If they stick with (Muslims), that would be morally dubious."

Akhlaghi said her background as an immigrant from the Middle East makes her especially sensitive to the way her "uncles and brothers" are being treated.

Immigrating from Iran with her family at age 5, Akhlaghi grew up in Buena Park and earned her law degree from Tulane University in 1998. She became a U.S. citizen while in law school.

As her caseload ballooned after Sept. 11, Akhlaghi ended her JFK teaching gig in 2002 to focus exclusively on defending immigrants from government actions, a job that has her regularly working late at night and on weekends.

By the beginning of this year, Akhlaghi found herself in the trenches at San Francisco immigration headquarters, often representing lost-looking people on the spot as they wrestled with immigration authorities. She represents many of her clients without charge or at a discount.

Many of them have overstayed visas but are in the process of applying for legal residency or a visa renewal, a situation that presents little problem for immigrants from other parts of the world, she said.

Akhlaghi said she remembered one time in January when she spotted, while helping another client, a panicked-looking Moroccan man whose elderly, frail father was being led away by the authorities.

After quickly filling out a G-28 form allowing her to represent the man, Akhlaghi took charge, making sure government officials followed protocols she said they are often quick to violate.

"You don't expect to go to immigration and be treated like that," said the client who asked to not be identified. "I yelled out, 'Be careful, he just had surgery,' as they were taking him away. It was terrible."

While speaking to a Times reporter, an assistant sent a telephone call into the conference room -- another panicked man whose friend had been detained on immigration charges.

While bailing out his friend, the caller, who was a U.S. citizen, was taken aside by authorities and questioned about himself and his friend, Akhlaghi said.

While talking, the attorney grew stern and then enraged, telling the man to come into her office right away and tell her exactly what he had told investigators.

Rummery said she did not know whether immigration officials would have violated regulations in Akhlaghi's example.

When asked about another case described by Akhlaghi where a 65-year-old Iranian woman was allegedly questioned for three hours before entering the country, including two hours in English, which she did not understand, Rummery responded, "There could be a lot of reasons why something like that should happen."

For Akhlaghi, such cases add fuel to the fire of outrage and injustice that drive her work.

"It infuriates me they get to get away with this stuff," she said after hanging up with her surprise caller. "It's a violation. It's arrogant. It's flat-out wrong. Why do it? Because you can.

"I feel like we're doing Rambo America enforcement. If they knew, good-hearted Americans would be outraged."

© 2003 Contra Costa Times and wire service sources. All Rights Reserved.
<http://www.bayarea.com>